

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 847
OFFERED BY Mr. Burgess**

On page 27, after line 16, insert the following new section (and redesignate the subsequent section, revise the table of contents in section 1(b), and make such other technical and conforming changes as may be necessary):

1 **“SEC. 3306. DEFENSE OF CERTAIN MALPRACTICE AND NEG-**
2 **LIGENCE SUITS.**

3 “The remedy against the United States provided by
4 sections 1346(b) and 2672 of title 28, United States Code,
5 or by alternative benefits provided by the United States
6 where the availability of such benefits precludes a remedy
7 under section 1346(b) of title 28, United States Code, for
8 damage for personal injury, including death, resulting
9 from the performance of monitoring or treatment provided
10 by any health care provider as part of the WTC Program
11 shall be exclusive of any other civil action or proceeding
12 by reason of the same subject-matter against the provider
13 (or the provider’s estate) whose act or omission gave rise
14 to the claim.

